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DIS. CT. # 02-446

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No. 04-3419

EILED

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

JUL 19 2005

LEONARD GREEN, Clerk

GRADUAL TAYLOR,	)	02 CV 446
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	
CHERYL HART,	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR THE
Defendant-Appellant,	)	SOUTHERN DISTRICT OF OHIO
CITY OF CINCINNATI POLICE,	)	
Defendant.	)	

Before: MOORE and COOK, Circuit Judges; GWIN,\* District Judge.

PER CURIAM. Finding that Gradual Taylor, proceeding pro se, sufficiently alleged facts—arrest and prosecution without probable cause based on the purposeful and malicious filing of a false police report—that, when viewed in a light most favorable to him, make out a Fourth Amendment violation by Officer Hart and obviate her entitlement to qualified immunity (regardless of the fine contours of such a claim in this circuit at the time of the maliciously false report), we affirm the judgment of the district court and remand for further proceedings.

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\*The Honorable James S. Gwin, United States District Judge for the Northern District of Ohio, sitting by designation.